

LAWS AND REGULATIONS RELATING TO

The Kentucky Board of Licensure of Marriage and Family Therapists



Published By
The Kentucky Board of Licensure of Marriage and Family Therapists
P. O. Box 1360

Frankfort, Kentucky 40602
(502) 564-3296

<http://www.state.ky.us/agencies/finance/occupations/marriagetherapy/index.htm>

February, 2004
Edition

The statutes and regulations provided in this booklet are an *unofficial* version of the Kentucky Revised Statutes and Kentucky Administrative Regulations and are intended for informational purposes only. The official or certified versions of the Kentucky Revised Statutes and Kentucky Administrative Regulations should be consulted for all matters requiring reliance on the statutory text.

Contents

KENTUCKY REVISED STATUTES

335.300 Definitions for KRS 335.300 to 335.399	3
335.305 Use of titles "licensed marriage and family therapist" and "marriage and family therapy associate" -- Application and construction of KRS 335.300 to 335.399	3
335.307 Effect of new licensure requirements on existing certified marriage and family therapist.....	3
335.310 Kentucky Board of Licensure of Marriage and Family Therapists.....	4
335.315 Immunity from personal liability for board members and agents for official acts	4
335.320 Duties of board -- Authority to promulgate administrative regulations.....	4
335.325 Powers of board.....	5
335.330 Initial fee for licensure -- Requirements for certification.....	5
335.332 Application for marriage and family therapist associate permit -- Qualifying experience for licensure -- Fees.....	5
335.340 Renewal of licensure -- Suspended or revoked license -- Continuing education.....	6
335.342 Disposition of fees.....	6
335.348 Grounds for disciplinary action -- Investigation -- Hearing	7
335.350 Hearings for disciplinary action or for licensure action.....	7
335.360 Reinstatement of revoked license or permit.....	8
335.370 Impaired marriage and family therapist program -- Confidentiality of records -- Immunity of board members.....	8
335.380 Duty of treating marriage and family therapist utilizing telehealth to ensure patient's informed consent and maintain confidentiality -- Board to promulgate administrative regulations -- Definition of "telehealth".	8
335.399 Penalties for violation.....	9
335.990 Penalties	9

201 KAR 32:010. Definitions for 201 KAR Chapter 32.....	10
201 KAR 32:020. Equivalent course of study	11
201 KAR 32:025. Marriage and family therapist associate.....	13
201 KAR 32:030. Fees.....	15
201 KAR 32:041. Coursework in psychopathology	16
201 KAR 32:045. Examination	16
201 KAR 32:050. Code of ethics.	17
201 KAR 32:060. Continuing education requirements.....	20
201 KAR 32:070. Complaint procedure	22
201 KAR 32:081. Inactive licensure status.....	24
201 KAR 32:101. Reinstatement of license subject to disciplinary action	24

Kentucky Revised Statutes

335.300 Definitions for KRS 335.300 to 335.399.

As used in KRS 335.300 to 335.399, unless the context otherwise requires:

- (1) "Board" means the Kentucky Board of Licensure of Marriage and Family Therapists;
- (2) "Licensed marriage and family therapist" means a person who has completed all of the requirements set out in KRS 335.330 and who holds a license issued by the board;
- (3) "Marriage and family therapy associate" means a person who has completed all requirements set out in KRS 335.330 and who holds a permit issued by the board to practice marriage and family therapy under the conditions set out in KRS 335.332 and the corresponding administrative regulations promulgated by the board; and
- (4) "The practice of marriage and family therapy" means the identification and treatment of cognitive, affective, and behavioral conditions related to marital and family dysfunctions that involve the professional application of psychotherapeutic and systems theories and techniques in the delivery of services to individuals, couples, and families. Nothing in this section shall be construed to authorize any licensed marriage and family therapist or marriage and family therapy associate to administer or interpret psychological tests in accordance with the provisions of KRS Chapter 319.

335.305 Use of titles "licensed marriage and family therapist" and "marriage and family therapy associate" -- Application and construction of KRS 335.300 to 335.399.

- (1) Except as provided in KRS 335.307 and subsection (2) of this section:
 - (a) No person shall use the title "licensed marriage and family therapist," "LMFT," or a title which is substantially the same, or hold himself or herself out as having this status, unless licensed by the board.
 - (b) No person shall use the title "marriage and family therapy associate" or hold himself or herself out as having this status, unless holding a permit issued by the board.
- (2) The provisions of KRS 335.300 to 335.399 shall not apply to persons licensed, certified, or registered under any other provision of the Kentucky Revised Statutes, including, but not limited to, physicians, social workers, psychologists, art therapists, and nurses, or students within accredited training programs of these professions. Nothing in KRS 335.300 to 335.399 shall be construed to limit, interfere with, or restrict the practice, descriptions of services, or manner in which these persons hold themselves out to the public.
- (3) Nothing in KRS 335.300 to 335.399 shall be construed to alter, amend, or interfere with the practice of employment counseling, job placement counseling, or school counseling.
- (4) Nothing in KRS 335.300 to 335.399 shall be construed to apply to the activities and services of a student intern or trainee in marriage and family therapy who is pursuing a program of studies in marriage and family therapy at an accredited institution of higher learning if these activities are performed under the supervision and constitute a part of the supervised program of study, and if the person is designated a counseling intern, a marriage and family therapist intern, or student in training.

335.307 Effect of new licensure requirements on existing certified marriage and family therapist.

Effective January 1, 1999, all persons authorized to use the title "certified marriage and family therapist" shall be entitled to use the title of "licensed marriage and family therapist" until the date of their second annual license renewal. On that date, the licensee shall be required to

meet the conditions set forth in KRS 335.340(2). First-time licensure of a person formerly certified shall be processed as a license renewal under KRS 335.340.

335.310 Kentucky Board of Licensure of Marriage and Family Therapists.

(1) There is created the Kentucky Board of Licensure of Marriage and Family Therapists. Effective January 1, 1999, it shall be composed of seven (7) members. Six (6) members shall be licensed marriage and family therapists. One (1) member shall be a citizen-at-large who is not associated with or financially interested in the practice or business of marriage and family therapy. All members shall be appointed by the Governor from a list of names of qualified persons submitted by any interested parties. The Governor may request the submission of additional names. Each member of the board shall serve for a term of four (4) years.

(2) All reappointments to the board and vacancies on the board shall be filled by the Governor as described in subsection (1) of this section.

(3) Each member of the board shall receive one hundred dollars (\$100) per day for each day spent performing official duties as a board member and reimbursement for actual and necessary expenses incurred in carrying out official duties.

(4) The board shall annually elect a chair, a vice chair, and a secretary-treasurer.

(5) The board shall hold at least two (2) meetings annually and additional meetings as the board may deem necessary. The additional meetings may be held upon call of the chairperson or upon written request of two (2) board members. Four (4) board members shall constitute a quorum.

(6) Upon recommendation of the board, the Governor may remove any board member for a poor attendance record, neglect of duty, or malfeasance in office.

(7) No board member shall serve more than two (2) consecutive full terms. A person who has previously served two (2) consecutive terms may be reappointed to the board if that person has not served in the preceding four (4) years.

335.315 Immunity from personal liability for board members and agents for official acts.

Members of the board and its agents shall be immune from personal liability in any action, civil or criminal, which is based upon any official act or acts performed reasonably and in good faith by the board member, agent, or employee.

335.320 Duties of board -- Authority to promulgate administrative regulations.

The board shall: (1) Administer and enforce the provisions of this chapter and shall evaluate the qualifications of license and permit applicants;

(2) Approve the examination required of applicants for licensure, provide for the administration and grading of the examination, and provide for other matters relating to licensure in the profession of marriage and family therapy;

(3) Review the credentials of licensees to determine if they are eligible for license renewal and have paid the fee provided for in KRS 335.340;

(4) License the marriage and family therapist applicants who satisfy the experience and educational requirements of KRS 335.330 and have paid the fee provided for in KRS 335.330;

(5) Review and approve contracts between marriage and family therapy associates and approved supervisors for their supervision of practice during the qualifying term;

(6) Issue permits to marriage and family therapy associate applicants who satisfy the requirements of KRS 335.322;

(7) Adopt a code of ethics for licensed marriage and family therapists and marriage and family therapy associates;

(8) Submit an annual report to the Governor and to the Legislative Research Commission by January 1 of each year, listing all hearings conducted by the board and any decisions rendered; and

(9) Promulgate administrative regulations, in accordance with KRS Chapter 13A, to implement the purpose and scope of KRS 335.300 to 335.399.

335.325 Powers of board.

The board may: (1) Employ needed personnel and contract with the Division of Occupations and Professions within the Department of Finance and Administration for the provision of administrative services;

(2) Issue subpoenas, examine witnesses, pay appropriate witness fees, administer oaths, and investigate allegations of practices violating the provisions of this chapter;

(3) Seek injunctive relief in Franklin Circuit Court to stop the unlawful practice of marriage and family therapy by unlicensed persons;

(4) Conduct hearings pursuant to KRS Chapter 13B and keep records and minutes necessary to carry out the functions of this chapter;

(5) Suspend or revoke licenses or permits or impose supervisory or probationary conditions upon licensees or permit holders, or impose administrative disciplinary fines, issue written reprimands or admonishments, or any combination thereof;

(6) Grant retired or inactive licensure status under conditions set forth by the board by the promulgation of administrative regulations;

(7) Enter into reciprocal agreements with boards of marriage and family therapy in other states having licensure qualifications and requirements that meet or exceed those provided in this chapter;

(8) Organize itself into two (2) panels to separate the functions of inquiry and hearings. Each panel shall have the power to act as either an inquiry or hearing panel. No member serving on the inquiry panel shall serve on the hearing panel for any one particular case. Any final decision of the hearing panel shall be considered as the final decision of the board and the hearing panel may exercise all powers granted to the board pursuant to KRS Chapter 13B; and

(9) Utilize mediation as a technique to resolve disciplinary matters.

335.330 Initial fee for licensure -- Requirements for certification.

An applicant for licensure as a marriage and family therapist shall pay the board an initial fee which shall be established by administrative regulation promulgated by the board. The applicant shall show the board that the applicant has:

(1) Completed a master's or doctoral degree program in marriage and family therapy, from a regionally-accredited educational institution, or a master's, post-master's, or doctoral program approved by the Commission on Accreditation for Marriage and Family Therapy Education or any of its successor organizations, or an equivalent course of study as defined by the board by promulgation of administrative regulations.

(a) The degree or equivalent course of study shall contain specific coursework on psychopathology and the Diagnostic and Statistical Manual; and

(b) In determining equivalency, the board shall use the criteria for marriage and family therapy education and clinical training approved by the United States Department of Education;

(2) Completed each of the following:

(a) At least two (2) years' experience in the practice of marriage and family therapy, acceptable to the board and subsequent to being granted a master's degree; and

(b) A minimum of two hundred (200) hours of clinical supervision acceptable to the board and subsequent to being granted a master's degree; and

(3) Passed a written examination prescribed by the board by promulgation of administrative regulations.

335.332 Application for marriage and family therapist associate permit -- Qualifying experience for licensure -- Fees.

(1) A person who fills all of the requirements of KRS 335.330 shall apply to the board for a marriage and family therapist associate permit in order to practice and earn the experience required for license application.

(2) A marriage and family therapy associate shall engage in the practice of marriage and family therapy while receiving qualifying experience by contracting, in writing, with an approved supervisor, as defined by the board in administrative regulations, who shall assume responsibility for and supervise the marriage and family therapy associate's practice as directed by the board by promulgation of administrative regulations. No marriage and family therapy associate shall enter into a practice of marriage and family therapy until this contract has been approved by the board, and the marriage and family therapy associate shall cease the practice of marriage and family therapy immediately upon termination of the contract. At the termination of the contract, the marriage and family therapy associate shall apply for licensure as a marriage and family therapist or request an extension of the contract from the board.

(3) The fees and all other requirements for a marriage and family therapist associate permit shall be established by the board by promulgation of administrative regulations.

335.340 Renewal of licensure -- Suspended or revoked license -- Continuing education.

(1) Licensure issued under KRS 335.330 shall be renewed annually upon payment of a fee to be established by administrative regulation promulgated by the board not to exceed one hundred fifty dollars (\$150).

(2) On January 1, 1999, all persons authorized to use the title "certified marriage and family therapist" shall be deemed "licensed marriage and family therapists" until the date of their second annual license renewal. As of that date, each formerly certified licensee seeking license renewal shall provide the board with verification of education or experience relating to psychopathology, as determined by administrative regulations promulgated by the board, to include:

- (a) Coursework in psychopathology;
- (b) Supervised experience with a focus on diagnosis; or
- (c) Completion of equivalent continuing education units relating to psychopathology.

This subsection shall not apply to license renewals for those persons also licensed or certified by another mental health profession which authorizes diagnosis within its scope of practice.

(3) A ninety (90) day grace period shall be granted during which time licensees may continue to practice and may renew their licenses upon payment of the renewal fee plus a late renewal fee as promulgated by administrative regulation of the board. Any license not renewed during this period shall expire. The board may reinstate an expired license within three (3) years of its expiration date upon payment of the renewal fee and satisfaction of other requirements.

(4) A suspended license is subject to expiration and termination and shall be renewed as provided in this chapter. Renewal shall not entitle the licensee to engage in the practice of marriage and family therapy until the suspension has ended, or is otherwise removed by the board and the right to practice is restored by the board.

(5) A revoked license is subject to expiration or termination but may not be renewed. If it is reinstated, the licensee shall pay the renewal fee as set forth in subsection (1) of this section.

(6) A person who fails to reinstate his or her license within three (3) years of its termination may not have it renewed, restored, reissued, or reinstated. A person may apply for and obtain a new license by meeting the current requirements of this chapter.

(7) The board shall require that a person applying for renewal or reinstatement of licensure show evidence of completion of continuing education as prescribed by the board by administrative regulations, not to exceed twenty (20) clock hours per renewal period.

335.342 Disposition of fees.

(1) All fees and other moneys received by the board pursuant to the provisions of this chapter shall be deposited in the State Treasury to the credit of a revolving fund for the use of the board.

(2) No part of this revolving fund shall revert to the general fund of this Commonwealth.

(3) The compensation of board members and all of the board's employees and all expenses incurred by the board shall be paid from this revolving fund.

335.348 Grounds for disciplinary action -- Investigation -- Hearing.

(1) The board may refuse to issue a license or permit, or may suspend, revoke, impose probationary conditions upon, impose an administrative fine, issue a written reprimand or admonishment, or any combination thereof regarding any licensee or permit holder upon proof that the licensee or permit holder has:

(a) Committed any act of dishonesty or corruption. If the act constitutes a crime, conviction in a criminal proceeding is not a condition precedent to disciplinary action. Upon conviction of the crime, the judgment and sentence are presumptive evidence at the ensuing disciplinary hearing of the guilt of the licensee or applicant. Conviction includes all instances in which a plea of no contest is the basis of the conviction;

(b) Misrepresented or concealed a material fact in obtaining a license, or in reinstatement thereof;

(c) Committed any unfair, false, misleading, or deceptive act or practice;

(d) Been incompetent or negligent in the practice of marriage and family therapy;

(e) Violated any state statute or administrative regulation governing the practice of marriage and family therapy or any activities undertaken by a marriage and family therapist;

(f) Failed to comply with an order issued by the board or an assurance of voluntary compliance;

(g) Violated the code of ethics as set forth by the board in administrative regulations; or

(h) Violated any applicable provision of any federal or state law.

(2) Five (5) years from the date of a revocation, any person whose license or permit has been revoked may petition the board for reinstatement. The board shall investigate the petition and may reinstate the license or permit upon a finding that the individual has complied with any terms prescribed by the board and is again able to competently engage in the practice of marriage and family therapy.

(3) If, after an investigation that includes opportunity for the licensee to respond, the board determines that a violation took place but was not of a serious nature, it may issue a written admonishment to the licensee. A copy of the admonishment shall be placed in the permanent file of the licensee. The licensee shall have the right to file a response to the admonishment within thirty (30) days of its receipt and to have the response placed in the permanent licensure file. The licensee may alternatively, within thirty (30) days of the receipt, file a request for hearing with the board. Upon receipt of this request, the board shall set aside the written admonishment and set the matter for hearing under the provisions of KRS Chapter 13B.

(4) At any time during the investigative or hearing processes, the board may enter into an agreed order or accept an assurance of voluntary compliance with the licensee which effectively deals with the complaint.

(5) The board may reconsider, modify, or reverse its probation, suspensions, or other disciplinary actions.

(6) The surrender of a license or permit shall not serve to deprive the board of jurisdiction to proceed with disciplinary actions pursuant to this chapter.

335.350 Hearings for disciplinary action or for licensure action.

(1) Before revoking, suspending, imposing probationary or supervisory conditions upon, imposing an administrative fine, issuing a written reprimand, or any combination of these

actions regarding any licensee or permit holder under the provisions of KRS 335.300 to 335.399, the board shall set the matter for hearing as provided by KRS Chapter 13B.

(2) After denying an application, refusing to renew a license or permit, or issuing a written admonishment regarding any applicant, licensee, or permit holder under the provisions of KRS 335.300 to 335.399, the board shall set the matter for hearing upon written request filed by the applicant, licensee, or permit holder within thirty (30) days of the date of the letter advising of the denial, refusal, or admonishment.

335.360 Reinstatement of revoked license or permit.

A person whose license or permit has been revoked may apply for reinstatement no earlier than five (5) years from the date of revocation, in accordance with the procedures established by the board by administrative regulation.

335.370 Impaired marriage and family therapist program -- Confidentiality of records -- Immunity of board members.

(1) The board may enter into an agreement with the Kentucky Association of Marriage and Family Therapists for an impaired marriage and family therapist committee to undertake the functions and responsibilities of an impaired marriage and family therapist program, as specified in the agreement. The functions and responsibilities may include any of the following:

- (a) Receiving and evaluating reports of suspected impairment from any source;
- (b) Intervening in cases of verified impairment; or
- (c) Referring impaired marriage and family therapists to treatment programs.

(2) Other provisions of law notwithstanding, all board and committee records pertaining to the impaired marriage and family therapist program shall be kept confidential. No person in attendance at any meeting of the committee shall be required to testify as to any committee discussions or proceedings.

(3) Other provisions of law notwithstanding, no member of the board of the Kentucky Association of Marriage and Family Therapists or the Impaired Marriage and Family Therapist Committee shall be liable for damages to any person for any acts, omissions, or recommendations made in good faith while acting within the scope of responsibilities pursuant to this section.

335.380 Duty of treating marriage and family therapist utilizing telehealth to ensure patient's informed consent and maintain confidentiality -- Board to promulgate administrative regulations -- Definition of "telehealth".

(1) A treating marriage and family therapist who provides or facilitates the use of telehealth shall ensure:

- (a) That the informed consent of the patient, or another appropriate person with authority to make the health care treatment decision for the patient, is obtained before services are provided through telehealth; and
- (b) That the confidentiality of the patient's medical information is maintained as required by this chapter and other applicable law. At a minimum, confidentiality shall be maintained through appropriate processes, practices, and technology as designated by the board and that conform to applicable federal law.

(2) The board shall promulgate administrative regulations in accordance with KRS Chapter 13A to implement this section and as necessary to:

- (a) Prevent abuse and fraud through the use of telehealth services;
- (b) Prevent fee-splitting through the use of telehealth services; and
- (c) Utilize telehealth in the provision of marriage and family therapy services and in the provision of continuing education.

(3) For purposes of this section, "telehealth" means the use of interactive audio, video, or other electronic media to deliver health care. It includes the use of electronic media for diagnosis, consultation, treatment, transfer of health or medical data, and continuing

education.

335.399 Penalties for violation.

Any person who shall violate or aid in the violation of KRS 335.305(1) shall upon conviction be fined not less than five hundred dollars (\$500) nor more than five thousand dollars (\$5,000), or sentenced to jail for not less than ten (10) days nor more than ninety (90) days, or both so fined and imprisoned in the discretion of the jury.

335.990 Penalties.

Any person who violates or aids in the violation of any provision of KRS 335.010 to 335.160 shall upon conviction be fined not less than fifty dollars (\$50) nor more than five hundred dollars (\$500), or imprisoned for not more than six (6) months, or both.

Kentucky Administrative Regulations

201 KAR 32:010. Definitions for 201 KAR Chapter 32.

RELATES TO: KRS 335.330

STATUTORY AUTHORITY: KRS 335.320

NECESSITY, FUNCTION, AND CONFORMITY: KRS 335.320(9) requires the board to promulgate administrative regulations to implement the purpose and scope of KRS 335.300 to 335.399. This administrative regulation establishes definitions for 201 KAR Chapter 32.

Section 1. Definitions. (1) "Academic courses offered by an accredited postsecondary institution" means:

(a) A marriage and family therapy course, designated by a marriage and family therapy course title or content, beyond the undergraduate level; or

(b) An academic course, relevant to marriage and family therapy, beyond the undergraduate level. General education courses, either electives or designated to meet degree requirements, shall not be acceptable. Academic credit equivalency for continuing education hours shall be based on one (1) credit hour equals fifteen (15) continuing education hours.

(2) "Approved" means recognized by the Kentucky Board of Licensure of Marriage and Family Therapists.

(3) "Approved supervisor" means an individual who:

(a) Holds a designation as an approved supervisor granted by the American Association for Marriage and Family Therapy; or

(b) Is licensed as a marriage and family therapist in the Commonwealth of Kentucky with a minimum of four (4) years of experience in the practice of marriage and family therapy, eighteen (18) months of which shall be as a therapist licensed in the Commonwealth of Kentucky.

(4) "Clinical supervision" means the direct, face-to-face interaction between the supervisor and supervisee which utilizes a partnership aimed at enhancing the professional development of supervisees in providing marriage and family therapy services.

(5) "Continuing education hour" means fifty (50) clock minutes of participating in continuing educational experiences.

(6) "Equivalent course of study" means a master's or doctoral degree from a regionally accredited institution in a mental health field closely related to marriage and family therapy which either contains, or has been supplemented by, the coursework in each of the basic core areas listed in 201 KAR 32:020, Section 2(2).

(7) "Program" means an organized learning experience planned and evaluated to meet behavioral objectives; programs may be presented in one (1) session or in a series.

(8) "Provider" means an organization approved by the Kentucky Board of Licensure for Marriage and Family Therapists for providing continuing education programs.

(9) "Raw data" means audio tapes, direct observations, interactive videos, oral or written reports, video tapes, or other electronic media.

(10) "Relevant" means having content applicable to the practice of marriage and family therapy as determined by the board.

(11) "Successful completion" means that the licensee has satisfactorily met the specific requirements of the program and the licensee has earned the continuing education hours.

(12) "Two (2) years experience in the practice of marriage and family therapy" means a minimum of two (2) years of the practice of marriage and family therapy consisting of 1,000 hours of direct, face-to-face contact with individuals, couples, and families in the practice of marriage and family therapy under the supervision of an approved supervisor.

201 KAR 32:020. Equivalent course of study.

RELATES TO: KRS 335.330(1)

STATUTORY AUTHORITY: KRS 335.320(9), 335.330(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 335.330(3) provides that the board shall define a course of study equivalent to a master's degree in marriage and family therapy and promulgate the equivalency standard by administrative regulations. This administrative regulation defines the criteria for the equivalent course of study.

Section 1. An applicant for licensure as a marriage and family therapist shall:

- (1) Comply with the requirements of KRS 335.330; and
- (2) Submit an application on the "Application for Licensure as a Marriage and Family Therapist or Marriage and Family Therapist Associate" form.

Section 2. The basic core areas which are necessary in order to qualify as an equivalent course of study, shall include the following:

(1) Marriage and family studies. This area shall include a minimum of three (3) courses (nine (9) semester hours, twelve (12) quarter hours or 135 didactic contact hours). Courses in this area shall be theoretical in nature and have a major focus of system theory orientation, and may include:

- (a) Systems theory;
- (b) Family development;
- (c) Blended families;
- (d) Cultural issues in families;
- (e) Family subsystems;
- (f) Major models of family systems theory; or
- (g) Gender issues in families.

(2) Marriage and family therapy. This area shall include a minimum of three (3) courses (nine (9) semester hours, twelve (12) quarter hours or 135 didactic contact hours). Courses in this area shall have a major focus on family systems theory and systemic therapeutic interventions. Courses shall relate to major theories of family systems change and therapeutic practices evolving from each theoretical model. Examples may include:

- (a) Structural communications family therapy;
- (b) Strategic object relations family therapy;
- (c) Behavioral family therapy;
- (d) Intergenerational family therapy;
- (e) Solution oriented family therapy;
- (f) Narrative family therapy; or
- (g) Systemic sex therapy.

(3) Human development. This area shall include a minimum of three (3) courses (nine (9) semester hours, twelve (12) quarter hours or 135 didactic contact hours). Courses in this area provide knowledge of individual human personality development in both normal and abnormal manifestations. Topic areas may include:

- (a) Human development;
- (b) Personality theory;
- (c) Human sexuality; or
- (d) Effects of gender and cultural issues on human development.

(4) Psychopathology and Diagnostic and Statistical Manual of Mental Disorders. This area shall include a one (1) course minimum (three (3) semester hours, four (4) quarter hours or forty-five (45) didactic contact hours). Courses in this area should cover psychopathology, diagnosis through use of the Diagnostic and Statistical Manual of Mental Disorders, or applications of the Diagnostic and Statistical Manual of Mental Disorders to marriage and family therapy.

(5) Professional studies. This area shall include a minimum of one (1) course minimum (three (3) semester hours, four (4) quarter hours or forty-five (45) didactic contact hours). Courses may include:

- (a) Professional ethics in marriage and family therapy;
- (b) Legal responsibilities of the therapist;
- (c) Professional socialization and the role of the professional organization;
- (d) Licensure or certification legislation; or
- (e) Independent practice issues.

(6) Research. This area shall include a minimum of one (1) course minimum (three (3) semester hours, four (4) quarter hours or forty-five (45) didactic contact hours). Courses may include:

- (a) Statistics;
- (b) Research methods;
- (c) Quantitative methodology; or
- (d) Other courses designed to assist the student to understand and perform research.

(7) Practicum or internship. The practicum or internship shall include a minimum of one (1) year or 300 hours of supervised direct client contact with individuals, couples and families for family therapy.

(a) Applicants who did not complete a clinical practicum in graduate school may satisfy the practicum requirement with their first 300 post masters' client contact hours.

(b) These hours shall not be counted toward the two (2) years of required post master's experience or the 200 hours of clinical supervision.

Section 3. A course used to fulfill one (1) of the requirements set forth in Section 2 of this administrative regulation shall not be used to fulfill more than one (1) of the basic core area requirements.

Section 4. (1) Applicants who completed their qualifying graduate degree in a mental health field prior to 1985 may substitute conferences, workshops, seminars, or in-service training related to marriage and family therapy attended or presented as a substitute for college coursework required in Section 2 of this administrative regulation.

(2) Forty-five (45) contact hours of relevant content shall equal three (3) semester hours of credit.

(3) A list of equivalencies the applicant wishes to have considered shall be organized by core area as set forth in Section 2 of this administrative regulation.

(4) Appropriate documentation shall include:

- (a) Date;
- (b) Title;
- (c) Course description;
- (d) Sponsoring organization;
- (e) Presenter, including presenter's qualifications;
- (f) Number of contact hours attended or presented; and
- (g) Certificates of attendance.

Section 5. Other acceptable equivalencies may be considered as follows:

(1) One (1) graduate level course taught on a subject relevant to marriage and family therapy after 1985 may be considered equivalent to three (3) semester hours of credit.

(2) Publication on a subject relevant to marriage and family therapy dated after 1985 may be submitted as equivalencies as acceptable to the board. Credit shall be granted as follows:

(a) A chapter in a book is equivalent to three (3) semester hours of credit. An applicant who authors or edits a book may be given credit equivalent to six (6) semester hours of credit. An applicant shall submit a copy of the title page, table of contents and bibliography.

(b) Publication in a professional refereed journal is equivalent to three (3) semester hours of credit. An applicant shall submit the journal table of contents and a copy of the article as it appeared in the journal including bibliography.

Section 6. Clinical membership in the American Association for Marriage and Family Therapy plus documentation of coursework in psychopathology and the Diagnostic and Statistical Manual of Mental Disorders shall be accepted as evidence that the applicant has met both the educational and experiential requirements for licensure as set forth in KRS 335.330(3) and (4)(a) and (b).

201 KAR 32:025. Marriage and family therapist associate.

RELATES TO: KRS 335.332

STATUTORY AUTHORITY: KRS 335.320, 335.332(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 335.332(3) requires the board to promulgate administrative regulations establishing the fees and other requirements for a marriage and family therapist associate permit. This administrative regulation establishes the requirements for marriage and family therapist associates.

Section 1. Marriage and Family Therapist Associate Application and Renewal. (1) A person desiring to be a marriage and family therapist associate shall apply for and submit to the board an "Application for Licensure as a Marriage and Family Therapist or Marriage and Family Therapist Associate" with a fee of fifty (50) dollars for the first year. The initial application shall include a copy of a supervisory contract with the designated supervisor for approval by the board.

(2) An annual renewal fee of twenty-five (25) dollars for each subsequent year shall be submitted to the board. Contract renewal and extension shall be granted in accordance with Section 4 of this administrative regulation.

Section 2. Supervisory Contract. (1) Prior to beginning a course of supervision for the purpose of meeting licensure requirements, a marriage and family therapist associate shall contract with an approved supervisor in writing.

(2) The approved supervisor shall enter into a "Plan of Supervision for Clinical Marriage and Family Therapy Experience" with a person who meets the criteria for becoming a marriage and family therapist associate.

(3) The approved supervisor shall be responsible for the marriage and family therapist associate's development and the welfare of the clients served by the marriage and family therapist associate.

(4) If a new supervisory contract is entered into with a different supervisor, approval shall be obtained from the board.

Section 3. Contract Information. The supervisory contract between the marriage and family therapist associate and the approved supervisor shall contain the following information:

- (1) The name of the marriage and family therapist associate;
- (2) The name and license number of the approved supervisor of record;
- (3) The name and license number of other approved supervisors;
- (4) The agency, institution, or organization where the experience will be received;
- (5) A detailed description of the nature of the practice including the type of:
 - (a) Clients to be seen;
 - (b) Therapies and treatment modalities which shall be used including the prospective length of treatment; and
 - (c) Problems or conditions which shall be treated;
- (6) The nature, duration, and frequency of the supervision, including the:
 - (a) Number of hours of supervision per week;
 - (b) Amount of group and individual supervision; and
 - (c) Methodology for transmission of case information;
- (7) The conditions or procedures for termination of the supervision; and
- (8) A statement that:
 - (a) The approved supervisor of record understands that he shall be held accountable to the board for the care given to the marriage and family therapist associate's clients; and

(b) The approved supervisor of record and other supervisors meet the criteria established in existing administrative regulations.

Section 4. Contract Renewal and Extension. (1) Upon approval of the board, a supervisory contract shall be issued for a term of three (3) years.

(2) At the conclusion of the original three (3) year term, the marriage and family therapist associate may request that a supervisory contract be renewed for a period of one (1) year.

(3) If a marriage and family therapist associate is unable to complete the requirements of the contract and wishes to retain his permit, he shall request a one (1) year extension.

(4) There shall not be a limit on the number of extensions that may be granted a marriage and family therapist associate.

Section 5. Clinical Supervision. (1) Clinical supervision shall:

(a) Be equally distributed throughout the qualifying period;

(b) Be clearly distinguishable from psychotherapy, didactic enrichment or training activities;

(c) Focus on raw data from the supervisee's current clinical work made available to the supervisor; and

(d) Be direct, face-to-face contact between the supervisor and supervisee.

(2) The supervision process shall focus on:

(a) Accurate diagnosis of client problems leading to proficiency in applying professionally recognized nomenclature and developing a plan for treatment as set forth in the Diagnostic and Statistical Manual of Mental Disorders;

(b) Development of treatment skills appropriate to the therapeutic process;

(c) Development of sensitivity to context and issues relating specifically to the family or individual being counseled;

(d) Acknowledgment of an awareness of the use of the professional self of the therapist in the process of therapy;

(e) Increased theoretical and applied knowledge for the therapist;

(f) Acquisition of a greater depth of knowledge and range of techniques in the provision of marriage and family therapy; and

(g) Awareness of ethical issues in practice, in order to safeguard and enhance the quality of care available to marriage and family therapy clients.

(3) Oral and written reports shall not constitute more than fifty (50) percent of raw data used for direct, face-to-face clinical supervision.

(4) Interactive video shall not exceed fifty (50) hours raw data used for direct, face to face.

(5) Any alternative format of direct, face-to-face clinical supervision shall receive prior approval of the board.

(6) Groups of up to six (6) persons, behind a one (1) way mirror, may receive credit for group supervision if an approved supervisor is present and students are actively participating in the session. Up to two (2) students seeing a client on the other side of the one (1) way mirror may concurrently receive client contact and individual supervision hours if the approved supervisor is actively supervising the session.

(7) In a therapy session involving a supervisor and supervisee:

(a) The roll of the approved supervisor as a supervisor or cotherapist shall be clearly defined prior to beginning a therapy session.

(b) The supervisees may receive credit for client contact hours and supervision hours.

(8) An individual supervisee may present a videotape in group supervision with an approved supervisor. The individual supervisee may receive group supervision hours if not more than five (5) additional students are present. The additional students may also receive group supervision credit if they are actively involved in the process.

Section 6. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "Application for Licensure as a Marriage and Family Therapist or Marriage and Family Therapist Associate", (6/17/99 Edition); and

(b) "Plan of Supervision for Clinical Marriage & Family Therapy Experience", (6/17/99 Edition).

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Division of Occupations and Professions, 700 Louisville Road, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

201 KAR 32:030. Fees.

RELATES TO: KRS 335.330, 335.340(1), (3)

STATUTORY AUTHORITY: KRS 335.320(4), 335.330, 335.340(1), (3)

NECESSITY, FUNCTION, AND CONFORMITY: This administrative regulation sets all fees for licenses as a marriage and family therapist and marriage and family therapist associate. KRS 335.330 requires the board to promulgate an administrative regulation establishing the initial fee for licensure required to be paid by an applicant for licensure and requires an applicant to pass a written examination prescribed by the board. KRS 335.340(1) requires that all licenses issued under KRS 335.330 shall be renewed annually, and that the board promulgate an administrative regulation establishing the fee for licensure renewal. KRS 335.320(4) authorizes the board to promulgate administrative regulations necessary to implement KRS Chapter 335. KRS 335.340(3) requires the board to promulgate an administrative regulation establishing the late renewal fee. KRS 335.340(3) requires the board to establish procedures for reinstatement of expired licenses.

Section 1. Initial Application Fee. The initial application fee for licensure as a marriage and family therapist shall be fifty (50) dollars.

Section 2. Initial Licensure Fee. The initial fee for licensure as a marriage and family therapist shall be \$150.

Section 3. Examination Fee. An applicant shall pass the "National Marital and Family Therapy Examination" administered and verified by Professional Examination Service. The applicant shall pay the required examination fee directly to Professional Examination Service.

Section 4. Renewal Fee. The fee for renewal of licensure as a marriage and family therapist shall be \$110 annually.

Section 5. Late Renewal Fees. Any licensee who renews his license during the ninety (90) day grace period provided by KRS 335.340(3) shall pay a late renewal fee of fifty (50) dollars in addition to the payment of the renewal fee as set forth in Section 4 of this administrative regulation.

Section 6. Reinstatement of Expired License. (1) An expired license may be reinstated by:

(a) Submitting a completed "License Reinstatement form";

(b) Payment of the renewal fee as set forth in Section 4 of this administrative regulation for each year since the date of last active licensure;

(c) Payment of a reinstatement fee of \$100; and

(d) Meeting all other requirements of this section.

(2) The applicant for reinstatement of an expired license shall submit proof of completion of fifteen (15) hours of continuing education for each year since the date of last active licensure.

Section 7. Incorporation by Reference. (1) "License Reinstatement Form" (2001) Kentucky Board of Licensure for Marriage and Family Therapists, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Licensure for Marriage and Family Therapists, 700 Louisville Road, Berry Hill Annex, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

201 KAR 32:041. Coursework in psychopathology.

RELATES TO: KRS 335.307, 335.330, 335.340(2)

STATUTORY AUTHORITY: KRS 335.320(9), 335.340(2)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 335.330 requires the board to establish the coursework requirements for marriage and family therapists.

Section 1. Coursework in psychopathology for marriage and family therapists certified prior to January 1, 1999. On the date of the second annual license renewal, all licensed marriage and family therapists who were certified prior to January 1, 1999, shall provide documentation or verification of experience or education in psychopathology to the board by filing an "Application for Licensure as a Marriage and Family Therapist or Marriage and Family Therapist Associate". This requirement may be met by any of the following:

(1) Coursework in psychopathology. One (1) graduate level class in psychopathology shall be required;

(2) Supervised experience with a focus on diagnosis. Four (4) full years of full-time clinical experience in marriage and family therapy shall be required. The supervised experience shall be demonstrated by filing a letter with the board indicating the nature of:

(a) How the clinical experience relates to psychopathology; or

(b) Use of the Diagnostic and Statistical Manual of Mental Disorders; or

(3) Completion of equivalent continuing education units relating to psychopathology.

Fifteen (15) hours of continuing education units specifically relating to diagnosis using:

(a) The Diagnostic and Statistical Manual of Mental Disorders; or

(b) Psychopathology.

Section 2. (1) The following material is incorporated by reference:

(a) "Application for Licensure as a Marriage and Family Therapist or Marriage and Family Therapist Associate", (6/17/99 Edition), Board of Marriage and Family Therapists; and

(b) "Diagnostic and Statistical Manual of Mental Disorders", (9/99).

(2) This material may be inspected, copied, or obtained at the Division of Occupations and Professions, 700 Louisville Road, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

201 KAR 32:045. Examination.

RELATES TO: KRS 335.320, 335.332(1)

STATUTORY AUTHORITY: KRS 335.320(9), 335.330

NECESSITY, CONFORMITY, AND FUNCTION: KRS 335.330 requires the board to administer a test for licensure for marriage and family therapists.

Section 1. General Requirements. (1) The board shall publish pertinent instructions and establish the examination schedule which shall include the:

(a) Place;

(b) Time; and

(c) Final date by which the board shall have received the applicant's materials.

(2)(a) An applicant for examination shall:

1. Submit a complete "Application for Licensure as a Marriage and Family Therapist or Marriage and Family Therapist Associate"; and

2. Pay the application fee, as required by Section 1 of 201 KAR 32:030.

(b) Once the application has been approved by the board, the applicant shall be scheduled to take the examination at the next regularly scheduled date.

(3) The examination shall be deferred until the next scheduled date, without forfeiture of the examination fee, if the applicant fails to appear for the examination because of:

(a) Illness of an immediate family member;

(b) Death of a family member; or

(c) Similar unforeseen emergency.

(4) If an applicant fails to appear for an examination without one (1) of the reasons described in subsection (3) of this section:

- (a) The application shall be terminated on the date of the examination;
- (b) Licensure shall be denied on the basis of failure of the examination by default; and
- (c) The applicant shall:
 - 1. Forfeit all application fees;
 - 2. Be required to resubmit an application to the board; and
 - 3. Take the examination at the next regularly scheduled date.

(5) If an applicant fails to appear for or to complete the examination without presenting a valid reason in writing, including illness or death in the immediate family:

- (a) The application shall be terminated on the date of the examination; and
- (b) The applicant shall be denied licensure on the basis of failure of the examination by default.

Section 2. Examination for Licensure. (1) An applicant for licensure shall submit to a written examination in accordance with subsection (2) of this section.

(2) The board shall contract with a testing agency that tests on the requirements in KRS 335.330(1) and (2) and 335.340(2). The test shall be administered to an applicant upon completion of the requirements of KRS 335.330(1) and (2) and 335.340(2).

(3) If an applicant for licensure fails the objective examination, the candidate shall, with payment of the required fee, be rescheduled to take the examination at its next regularly scheduled date.

(4) The candidate may continue to function as a marriage and family therapist associate under the supervision of the board-approved supervisor until:

- (a) The examination is successfully completed;
- (b) The supervisory contract is terminated; or
- (c) The candidate ceases to practice as a marriage and family therapist associate and notifies the board in writing.

Section 3. Incorporation by Reference. (1) "Application for Licensure as a Marriage and Family Therapist or Marriage and Family Therapist Associate", (6/17/99 Edition), Board of Marriage and Family Therapists, is incorporated by reference.

(2) This material may be inspected, copied, or obtained at the Division of Occupations and Professions, 700 Louisville Road, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

201 KAR 32:050. Code of ethics.

RELATES TO: KRS 335.320(7), 335. 348

STATUTORY AUTHORITY: KRS 335.320(7), (9)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 335.320(5) requires the board to promulgate a code of ethics for licensed marriage and family therapists and marriage and family therapist associates. This administrative regulation establishes the required code of ethics.

Section 1. Responsibility to Clients. (1) A marriage and family therapist or a marriage and family therapist associate shall:

- (a) Advance and protect the welfare of his client;
 - (b) respect the rights of persons seeking his assistance; and
 - (c) Make reasonable efforts to ensure that his services are used appropriately.
- (2) A marriage and family therapist or marriage and family therapist associate shall not:
- (a) Exploit the trust and dependency of a client;
 - (b) Engage in a dual relationship with a client, including a social, business, or personal relationship, that may:
 - 1. Impair professional judgment;
 - 2. Incur a risk of exploitation of the client; or
 - 3. Otherwise violate a provision of this administrative regulation.

If a dual relationship cannot be avoided, and does not impair professional judgment, incur a risk of exploitation of the client, or otherwise violate a provision of this administrative regulation, a therapist or therapist associate shall take appropriate professional precautions to ensure that judgment is not impaired and exploitation of the client does not occur.

(c) Engage in a sexual relationship with a current client or with a former client for two (2) years following the termination of therapy;

(d) Use his professional relationship with a client to further his own interests;

(e) Continue therapeutic relationships unless it is reasonably clear that the client is benefiting from the relationship;

(f) Fail to assist a person in obtaining other therapeutic services if the therapist or therapist associate is unable or unwilling, for appropriate reasons, to provide professional help;

(g) Abandon or neglect a client in treatment without making reasonable arrangements for the continuation of treatment;

(h) Videotape, record, or permit third party observation of therapy sessions without having first obtained written informed consent from the client;

(i) Engage in sexual or other harassment or exploitation of a client, student, trainee, supervisee, employee, colleague, research subject, or actual or potential witness or complainant in investigations and ethical proceedings; or

(j) Diagnose, treat, or advise on problems outside the recognized boundaries of his competence.

Section 2. Confidentiality. (1) A therapist or therapist associate shall respect and guard the confidences of each individual client.

(2) Marriage and family therapists and marriage and family therapist associates shall not disclose a client confidence except:

(a) As mandated, or permitted by law;

(b) To prevent a clear and immediate danger to a person or persons;

(c) If the therapist or therapist associate is a defendant in a civil, criminal, or disciplinary action arising from the therapy, confidences may be disclosed only in the course of that action; or

(d) If a waiver has been obtained in writing, confidential information shall be revealed only in accordance with the terms of the waiver. If more than one (1) person in a family receives therapy, unless a waiver is executed by each family member receiving therapy, who is legally competent to execute a waiver, a therapist or therapist associate shall not disclose information received from any family member.

(3) A marriage and family therapist or marriage and family therapist associate may use client or clinical materials in teaching, writing, and public presentations if:

(a) A written waiver has been obtained in accordance with subsection (2)(d) of this section; or

(b) Appropriate steps have been taken to protect client identity and confidentiality.

(4) A marriage and family therapist or marriage and family therapist associate shall store or dispose of client records so as to maintain confidentiality.

Section 3. Professional Competence and Integrity. A marriage and family therapist or marriage and family therapist associate shall maintain standards of professional competence and integrity and shall be subject to disciplinary action:

(1)(a) Upon conviction of a felony, or a misdemeanor related to his practice as a marriage and family therapist or marriage and family therapist associate.

(b) Conviction shall include conviction based on:

1. A plea of no contest or an "Alford Plea"; or

2. The suspension or deferral of a sentence.

(2) If his license or certificate is subject to disciplinary action by another state's regulatory agency that the board determines violates applicable Kentucky state law or administrative regulation;

(3) Upon a showing of impairment due to mental incapacity or the abuse of alcohol or other substances which negatively impact the practice of marriage and family therapy;

(4) If he misrepresented or concealed a material fact in obtaining or seeking reinstatement of a license or certificate;

(5) If he has refused to comply with an order issued by the board; or

(6) If he has failed to cooperate with the board by not:

(a) Furnishing in writing a complete explanation to a complaint filed with the board;

(b) Appearing before the board at the time and place designated; or

(c) Properly responding to subpoenas issued by the board.

Section 4. Responsibility to a Student or Supervisee. (1) A marriage and family therapist or marriage and family therapist associate shall not exploit the trust and dependency of a student or supervisee.

(2) A marriage and family therapist or marriage and family therapist associate shall:

(a) Be aware of his influential position with respect to a student or supervisee; and

(b) Avoid exploiting the trust and dependency of these persons.

1. A therapist or therapist associate shall make every effort to avoid a dual relationship, including a social, business, or personal relationship, with a student or supervisee that may impair professional judgment or increase the risk of exploitation.

2. If a dual relationship cannot be avoided, a therapist or therapist associate shall take appropriate professional precautions to ensure judgment is not impaired and no exploitation occurs.

3. A therapist or therapist associate shall not provide therapy to a student, employee or supervisee.

4. A therapist or therapist associate shall not engage in sexual intimacy or contact with a student or supervisee.

(3) A marriage and family therapist or marriage and family therapist associate shall not permit a student or supervisee to perform or to hold himself out as competent to perform professional services beyond his level of training, experience, and competence.

(4) A marriage and family therapist or marriage and family therapist associate shall not disclose a student's or supervisee's confidence except:

(a) As mandated, or permitted by law;

(b) To prevent a clear and immediate danger to a person or persons;

(c) If the therapist or therapist associate is a defendant in a civil, criminal, or disciplinary action arising from the supervision, the student's or supervisee's confidence may be disclosed only in the course of that action;

(d) In educational or training settings if there are multiple supervisors, to other professional colleagues who share responsibility for the training of the supervisee; or

(e) If there is a waiver previously obtained in writing, information shall be revealed only in accordance with the terms of the waiver.

Section 5. Financial Arrangements. (1) A marriage and family therapist or marriage and family therapist associate shall make financial arrangements with a client, third party payor, or supervisee that are reasonably understandable and conform to accepted professional practices.

(2) A marriage and family therapist or marriage and family therapist associate shall:

(a) Not offer or accept payment for referrals;

(b) Not charge excessive fees for services;

(c) Disclose his fees to clients and supervisees at the beginning of services; or

(d) Represent facts truthfully to clients, third party payors, and supervisees regarding services rendered.

Section 6. Advertising. A marriage and family therapist shall:

(1) Accurately represent his education, training, and experience relevant to his practice of marriage and family therapy;

(2) Not use professional identification, including a business card, office sign, letterhead, or telephone or association directory listing if it includes a statement or claim that is false, fraudulent, misleading, or deceptive.

(3) A statement shall be false, fraudulent, misleading, or deceptive if it:

(a) Contains a material misrepresentation of fact;

(b) Fails to state any material fact necessary to make the statement, in light of all circumstances, not misleading; or

(c) Is intended to or is likely to create an unjustified expectation.

Section 7. A marriage or family therapist associate may have business cards and letterhead if it is clearly stated that he is an associate. He shall not present himself or imply that he is licensed to practice as a marriage and family therapist.

201 KAR 32:060. Continuing education requirements.

RELATES TO: KRS 335.340

STATUTORY AUTHORITY: KRS 335.320(9), 335.340(7)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 335.340(7) authorizes the board to promulgate administrative regulations requiring marriage and family therapists to complete continuing education requirements as a condition of renewal of their license. This administrative regulation delineates the requirements for continuing education and prescribes methods and standards for the accreditation of continuing education courses.

Section 1. Accrual of Continuing Education Hours; Computation of Accrual. (1) A minimum of fifteen (15) continuing education hours shall be accrued by each licensee during the one (1) year licensure period for renewal.

(2) All hours shall be in or related to the field of marriage and family therapy.

(3) Three (3) hours of the fifteen (15) hours required by subsection (1) of this section shall be accrued in the fields of professional ethics.

Section 2. Methods of Acquiring Continuing Education Hours. Continuing education hours applicable to the renewal of the mandatory license shall be directly related to the professional growth and development of marriage and family therapy practitioners. They may be earned by completing any of the following educational activities:

(1) Programs not requiring board review and approval. Programs from the following sources shall be deemed to be relevant to the practice of marriage and family therapy and shall be approved without further review by the board:

(a) Programs provided by the American Association for Marriage And Family Therapy (AAMFT) and its state affiliates;

(b) Academic courses as defined in 201 KAR 32:010; and

(c) Continuing education programs offered by Commission on Accreditation for Marriage and Family Therapy Education accredited institutions.

(2) Programs requiring board review and approval. Programs from the following sources shall be reviewed and may be determined to be relevant and therefore subsequently approved by the board:

(a) Relevant programs, including home study courses and in-service training provided by other organizations, educational institutions, or other service providers approved by the board;

(b) Relevant programs or academic courses presented by the licensee. Presenters of relevant programs or academic courses may earn full continuing education credit for each contact hour of instruction, not to exceed one-half (1/2) of the continuing education renewal requirements. Credit shall not be issued for repeated instruction of the same course;

(c) Relevant publications in a professionally recognized or juried publication. Credit shall not be granted except for those publications that were published within the one (1) year period immediately preceding the renewal date. A licensee shall earn one-half (1/2) of the continuing

education hours required for a relevant publication. More than one (1) publication shall not be counted during each renewal period; and

(d) Related areas not specifically a part of the field of marriage and family therapy may be approved for up to two (2) continuing education hours out of the fifteen (15) required if the board believes the related areas may serve to enhance the licensee's ability to practice.

Section 3. Procedures for Preapproval of Continuing Education Sponsors and Programs.

(1) Any entity seeking to obtain approval of a continuing education program prior to its offering shall apply to the board at least sixty (60) days in advance of the commencement of the program, stating the:

- (a) Type of learning activity;
- (b) Subject matter;
- (c) Names and qualifications of the instructors; and
- (d) Number of continuing education hours offered.

(2) A continuing education activity shall be qualified for preapproval if the board determines the activity being presented:

- (a) Is an organized program of learning;
- (b) Pertains to subject matters which integrally relate to the practice of marriage and family therapy;
- (c) Contributes to the professional competency of the licensee; and
- (d) Is conducted by individuals who have educational training or experience acceptable to the board.

Section 4. Responsibilities and Reporting Requirements of Licensees. A licensee shall be responsible for obtaining required continuing education hours. He shall identify his own continuing education needs, take the initiative in seeking continuing professional education activities to meet these needs, and seek ways to integrate new knowledge, skills and attitudes. Each person holding licensure shall:

- (1) Select approved activities by which to earn continuing education hours;
- (2) Submit to the board when applicable a request for approval for continuing education activities not approved by the board as set forth in Section 3 of this administrative regulation;
- (3) Maintain records of continuing education hours. Each licensee shall maintain, for a period of one (1) year from the date of renewal, all documentation verifying successful completion of continuing education hours. During each licensure renewal period, up to fifteen (15) percent of all licensees shall be required by the board to furnish documentation of the completion of the appropriate number of continuing education hours for the current renewal period. Verification of continuing education hours shall not otherwise be reported to the board;
- (4) Document attendance and participation in a continuing education activity in the form of official documents including transcripts, certificates, affidavits signed by instructors, receipts for fees paid to the sponsor, or less formal evidence including written summaries of experiences that are not otherwise formally or officially documented in any way. The type of documentation required shall vary depending on the specific activity submitted to the board for approval; and
- (5) Fully comply with the provisions of this administrative regulation. Failure to comply shall constitute a violation of KRS 335.340(7) and may result in the refusal to renew, suspension, or revocation of the licensure.

Section 5. Carry-over of Continuing Education Hours, Prohibited. There shall not be a carry-over of continuing education hours earned in excess of those required under Section 1 of this administrative regulation into the immediately following licensure renewal period.

Section 6. Board to Approve Continuing Education Hours; Appeal When Approval Denied. In the event of denial, in whole or part, of any application for approval of continuing education hours, the licensee shall have the right to request reconsideration by the board of its decision. The request shall be in writing and shall be received by the board within thirty (30) days after the date of the board's decision denying approval of continuing education hours.

Section 7. Waiver or Extensions of Continuing Education. (1) The board may, in individual cases involving medical disability, illness, or undue hardship as determined by the board, grant waivers of the minimum continuing education requirements or extensions of time within which to fulfill the same or make the required reports.

(2) A written request for waiver or extension of time involving medical disability or illness shall be submitted by the licensee and shall be accompanied by a verifying document signed by a licensed physician.

(3) A waiver of the minimum continuing education requirements or an extension of time within which to fulfill the continuing education requirements may be granted by the board for a period of time not to exceed one (1) calendar year.

(4) If the medical disability or illness upon which a waiver or extension has been granted continues beyond the period of the waiver or extension, the licensee shall reapply for the waiver or extension

201 KAR 32:070. Complaint procedure.

RELATES TO: KRS 335.348

STATUTORY AUTHORITY: KRS 335.325, 335.350

NECESSITY, FUNCTION, AND CONFORMITY: KRS 335.348 delineates the causes for which disciplinary action may be taken against a licensee. This administrative regulation establishes procedures for the filing, evaluation, and disposition of administrative complaints.

Section 1. Definitions. (1) "Chairman" means the chairman or vice-chairman of the board.

(2) "Charge" means a specific allegation contained in a formal complaint, as established in subsection (5) of this section, issued by the board alleging a violation of a specified provision of KRS Chapter 335; the administrative regulations promulgated thereunder; or any other state or federal statute or regulation.

(3) "Complaint" means any written allegation of misconduct by a credentialed individual or other person which might constitute a violation of KRS Chapter 335, the administrative regulations promulgated thereunder, or any other state or federal statute or regulation.

(4) "Complaint screening committee" means a committee consisting of three (3) persons on the board appointed by the chairman of the board to review complaints, investigative reports, and to participate in informal proceedings to resolve a formal complaint and in addition to board members the executive director of the board or another staff member may be appointed to serve on this committee.

(5) "Formal complaint" means a formal administrative pleading authorized by the board which sets forth charges against a licensed individual or other person and commences a formal disciplinary proceeding pursuant to KRS Chapter 13B or requests the court to take criminal or civil action.

(6) "Informal proceedings" means the proceedings instituted at any stage of the disciplinary process with the intent of reaching a dispensation of any matter without further recourse to formal disciplinary procedures under KRS Chapter 13B.

(7) "Investigator" means an individual designated by the board to assist the board in the investigation of a complaint or an investigator employed by the Attorney General or the board.

Section 2. Receipt of Complaints. (1) A complaint:

(a) May be submitted by an:

1. Individual;
2. Organization; or
3. Entity.

(b) Shall be:

1. In writing; and
2. Signed by the person offering the complaint.

(c) May be filed by the board based upon information in its possession.

(2) Upon receipt of a complaint:

(a) A copy of the complaint shall be sent to the individual named in the complaint along with a request for that individual's response to the complaint. The individual shall be allowed a period of twenty (20) days from the date of receipt to submit a written response.

(b) Upon receipt of the written response of the individual named in the complaint, a copy of the response shall be sent to the complainant. The complainant shall have seven (7) days from the receipt to submit a written reply to the response.

Section 3. Initial Review. (1) After the receipt of a complaint and the expiration of the period for the individual's response, the complaint screening committee shall consider the individual's response, complainant's reply to the response, and any other relevant material available and make a recommendation to the board. The board shall determine whether there is enough evidence to warrant a formal investigation of the complaint.

(2) If the board determines before formal investigation that a complaint is without merit, it shall:

(a) Dismiss the complaint; and

(b) Notify the complainant and respondent of the board's decision.

(3) If the board determines that a complaint warrants a formal investigation, it shall:

(a) Authorize an investigation into the matter; and

(b) Order a report to be made to the complaint screening committee at the earliest opportunity.

Section 4. Results of Formal Investigation; Board Decision on Hearing. (1) Upon completion of the formal investigation, the investigator shall submit a report to the complaint screening committee of the facts regarding the complaint. The committee shall review the investigative report and make a recommendation to the board. The board shall determine whether there has been a prima facie violation of KRS Chapter 335 or the administrative regulations promulgated thereunder and a complaint should be filed.

(2) If the board determines that a complaint does not warrant issuance of a formal complaint, it shall:

(a) Dismiss the complaint; and

(b) Notify the complainant and respondent of the board's decision.

(3) If the board determines that a violation has occurred but is not serious, the board may issue a written admonishment to the licensee. A copy of the written admonishment shall be placed in the permanent file of the licensee. The licensee shall have the right to file a response in writing to the admonishment within thirty (30) days of its receipt and may have it placed in his permanent file. Alternatively, the licensee may file a request for a hearing with the board within thirty (30) days of the admonishment. Upon receipt of the request, the board shall set aside the written admonishment and set the matter for hearing pursuant to the provisions of KRS Chapter 13B.

(4) If the board determines that a complaint warrants the issuance of a formal complaint against a respondent, the complaint screening committee shall prepare a formal complaint which states clearly the charge or charges to be considered at the hearing. The formal complaint shall be reviewed by the board and, if approved, signed by the chairman and served upon the individual as required by KRS Chapter 13B. The formal complaint shall be processed in accordance with KRS Chapter 13B.

(5) If the board determines that a person may be in violation of KRS 335.305(1), it shall:

(a) Order the individual to cease and desist from further violations of KRS 335.305(1);

(b) Forward information to the county attorney of the county of residence of the person allegedly violating KRS 335.305(1) with a request that appropriate action be taken under KRS 335.399; or

(c) Initiate action in Franklin Circuit Court for injunctive relief to stop the violation of KRS 335.305.

Section 5. Settlement by Informal Proceedings. (1) The board through counsel and the complaint screening committee may, at any time during this process, enter into informal

proceedings with the individual who is the subject of the complaint for the purpose of appropriately dispensing with the matter.

(2) An agreed order or settlement reached through this process shall be approved by the board and signed by the individual who is the subject of the complaint and the chairman.

(3) The board may employ mediation as a method of resolving the matter informally.

Section 6. Notice and Service of Process. A notice required by KRS Chapter 335 or this administrative regulation shall be issued pursuant to KRS Chapter 13B.

Section 7. Notification. The board shall make public:

(1) Its final order in a disciplinary action under KRS 335.350 with the exception of a written admonishment issued pursuant to Section 4(3) of this administrative regulation; and

(2) An action to restrain or enjoin a violation of KRS 335.305(1).

201 KAR 32:081. Inactive licensure status.

RELATES TO: KRS 335.325(6)

STATUTORY AUTHORITY: KRS 335.320(9), 335.325(6)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 335.325(6) enables the board to grant retired or inactive status to licensees under the conditions set forth by administrative regulation. This administrative regulation establishes the requirements for inactive licensure status.

Section 1. Inactive licensure status may be granted to a licensee pursuant to KRS 335.325(6) upon written request to the board.

(1) The licensee shall be relieved of his obligation to pay the renewal fee, but shall meet the annual requirements for continuing education as established in 201 KAR 32:060.

(2) The licensee may return to active status within three (3) years of being granted inactive licensure status upon:

(a) Written notification to the board;

(b) Payment of the current renewal fee as set forth in 201 KAR 32:030; and

(c) Demonstration of compliance with all continuing education requirements, as established in 201 KAR 32:060, for each year during the period of inactive licensure status.

(3)(a) If the licensee does not reactivate his license before the third anniversary date of the granting of inactive licensure status, then the license shall be forfeited.

(b) Following forfeiture of a license under the provisions of this section, any person desiring to practice marriage and family therapy in the Commonwealth of Kentucky shall:

1. File a new application for licensure with the board;

2. Pay the initial fees for application and licensure; and

3. Meet current requirements for initial licensure, as established by statute and administrative regulation.

201 KAR 32:101. Reinstatement of license subject to disciplinary action.

RELATES TO: KRS 335.325(5); 335.340(5), (7)

STATUTORY AUTHORITY: KRS 335.320(9), 335.348, 335.360

NECESSITY, FUNCTION, AND CONFORMITY: KRS 335.348 empowers the board to punish a licensee for violation of the statutes and administrative regulations governing the practice of marriage and family therapy. This includes the ability to revoke a license. KRS 335.360 permits a person whose license has been revoked to apply for reinstatement after five (5) years. This administrative regulation establishes the requirements for reinstatement of a license that has been the subject of disciplinary action by the board.

Section 1. Definition. (1) "A license voluntarily surrendered as if revoked" means the process by which a person who holds a license issued by the board, knowingly and willingly, returns the license to the board, forfeiting all rights and privileges associated with that license, in settlement of a disciplinary action initiated by the board.

Section 2. Reinstatement of a License Revoked by Disciplinary Action of the Board. (1) If a license has been revoked, an individual may apply for reinstatement by:

- (a) Completing the License Reinstatement form;
- (b) Paying the initial licensure fee as set forth in 201 KAR 32:030;
- (c) Paying the examination fee as established in 201 KAR 32:030;
- (d) Taking the licensure examination and achieving a passing score; and
- (e) The applicant shall show evidence of completion of fifteen (15) hours of continuing education for each year since the date of revocation in accordance with the requirements established in 201 KAR 32:060.

(2)(a) A hearing shall be held to determine whether or not to reinstate the former licensee.

(b) The board shall consider the information contained in the application and the testimony and evidence obtained in the hearing.

(c) Based upon the information gathered the board shall determine if reinstatement of the license would be a threat to public safety, health and welfare.

(d) If the board finds that there no longer exists a danger to the public, it may reinstate the license.

(e) If the board finds that the danger still exists, it may refuse to reinstate the license.

Section 3. Reinstatement of a License which was Voluntarily Surrendered as if Revoked.

(1) If a license has been voluntarily surrendered as if revoked, an individual may apply for reinstatement by:

- (a) Completing the License Reinstatement form;
- (b) Paying the initial licensure fee as established in 201 KAR 32:030;
- (c) Paying a reinstatement fee of fifty (50) dollars;
- (d) Notifying the board, in writing, that the requirements of agreed order have been met or completed; and

(e) Notifying the board, in writing, to request that a hearing be held to determine if the issuance of a license would no longer be a threat to public safety and welfare;

(2) An individual whose license has been voluntarily surrendered as if revoked shall be required to comply with the annual continuing education requirements for the period during which the license was voluntarily surrendered in accordance with the requirements established in 201 KAR 32:060.

Section 4. Incorporation by Reference. (1) "License Reinstatement form," (2000 Edition), Kentucky Board of Licensure for Marriage and Family Therapists, is incorporated by reference.

(2) This material may be inspected, copied, or obtained at the Kentucky Board of Licensure for Marriage and Family Therapists, 700 Louisville Road, Berry Hill Annex, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

